



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO 7 - PLANNING AND ENVIRONMENT

17 December 2019

The Hon Rob Stokes MP
Minister for Planning and Public Spaces
52 Martin Place
Sydney 2000

By email: office@stokes.minister.gov.au

Dear Minister

Inquiry into koala populations and habitat in New South Wales

I write urgently to you on behalf of the Legislative Council's Portfolio Committee No. 7 which is inquiring into Koala Populations and their Habitat.

During a hearing in Gunnedah last Friday, committee members heard alarming evidence regarding the clearing of Leard State Forest, which contains the largest intact remnant of the nationally listed Critically Endangered Ecological Community of White Box Grassy Woodland, yet 1,665 hectares has been approved for clearing as part of Whitehaven Coal's development application for its Maules Creek Coal Mine project.

Representatives of Wando Conservation and Cultural Centre informed the committee that while development consent for this application was conditional on the company acquiring and protecting equivalent or greater land of this koala habitat, the land acquired to offset this clearing was incorrectly mapped and does not in fact protect koala habitat.

The Committee was extremely concerned to hear that despite the Biodiversity Conservation Trust refusing to register their offsets, Whitehaven has been allowed to clear the land while the Department of Planning has granted two extensions for the company to get their offsets in order, with the latest extension granted to March 2020. This is despite the concerns of both community groups and the NSW Government's own Biodiversity Conservation Trust.

We understand that the next window for clearing by Maules Creek Coal Mine begins on 15 February 2020, which will clear yet more vital habitat for koalas in Leard State Forest, without any offsets in place.

Therefore, the committee urgently requests that:

1. The Resource Assessment Branch of the Department of Planning, Industry and Environment respond to issues raised in Friday's hearing regarding the Maules Creek Coal Mine project approval and Biodiversity Offset Management Plan (*transcript attached*); and,
2. The NSW Government halt all further clearing of the Leard State Forest until the Biodiversity Conservation Trust has confirmed that the offsets accurately reflect the conditions upon which approval for the mine was granted.

Given the impending clearing date and holiday period, the Committee appreciates your urgent attention to this matter.

Yours sincerely

Ms Cate Faehrmann MLC
Committee Chair

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 7 – PLANNING AND
ENVIRONMENT**

**INQUIRY INTO KOALA POPULATIONS AND HABITAT IN NEW
SOUTH WALES**

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At Smithurst Theatre, Gunnedah, on Friday 13 December 2019

The Committee met at 11:45

PRESENT

Ms Cate Faehrmann (Chair)

The Hon. Mark Buttigieg

The Hon. Catherine Cusack

The Hon. Mark Pearson (Deputy Chair)

The Hon. Penny Sharpe

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LYNNE HOSKING, President, National Parks Association, Armidale Branch, sworn and examined

ANNA CHRISTIE, Research Officer, Wando Conservation and Cultural Centre, Maules Creek, affirmed and examined

MARTINE MORAN, Koala Coordinator, WIRES, affirmed and examined

The CHAIR: Would any of you like to make a short opening statement?

Ms MORAN: As you know, my name is Martine Moran. I am a volunteer wildlife carer with WIRES, rescuing, looking after and potentially releasing a variety of native animals, mainly koalas. Presently I am the WIRES coordinator for the central northern area of New South Wales, stretching from Corindi in the south to north of Moree, covering an area of approximately 100,000 square kilometres. In this area there is a very significant population of koalas, even though they are often difficult to find. My role, like the small band of dedicated, hardworking WIRES carers, is entirely voluntary.

Koalas are the original tree huggers. Male koalas throw their arms around their trees and rub their scent gland against the tree to establish ownership; they consider them their trees. They need their trees for shelter and food and dating female koalas. Female koalas want to eat and have babies in peace in areas that allow their young to survive and thrive. With increased drought and heat conditions, many more koalas are coming into care. Some of these koalas can be saved, but when it comes time for them to be released they need their homes to go back to—their trees. WIRES volunteers attend koalas affected by many things such as disease, dog attacks and vehicle strikes, but all these factors are magnified by habitat loss.

I do what I can to save as many koalas as I can. You in government are in a much, much better position to save many, many more koalas than me. Politicians of all persuasions need to work together. They need to stop listening to lobbyists, who are often motivated by greed. You need to listen to your heart; you have the fate of koalas in your hands. Thank you.

Ms CHRISTIE: In the Namoi region there is a high level of public concern about the loss of koala habitat through coalmining. That is why the 500-page document I am about to share with the honourable Committee members, obtained through freedom of information laws, is so significant, because its contents undermine trust in the biodiversity offsets that might be promised in the Namoi valley and Liverpool Plains. Correspondence between Whitehaven Coal and the NSW Biodiversity Conservation Trust, the Department of Planning and NSW Treasury reveal that the BCT, charged with the role of negotiating the conservation agreements for Maules Creek mine offsets has repeatedly found the majority of the offsets are not correctly mapped and do not represent the koala habitat and critically endangered ecological community, or CEEC, whose destruction they were intended to offset.

For the first time we know clearly why Whitehaven Coal has been unable to fulfil its consent conditions and has been granted two extensions in time since failing its original deadline. It is over 18 months since the first BCT site inspection of the offsets, and conservation agreements are still not completed. The extended deadline is March 2020. In the interim, between now and March 2020, next year's approved clearing window will commence on 15 February, during which Whitehaven will expect, as per business as usual, to be allowed to clear more of the Leard State Forest. The Maules Creek coalmine would not have approved but for the requirement it provide offsets for clearing the Leard State Forest, under which Whitehaven Coal would acquire like for like CEEC woodland and secure it in perpetuity.

The Maules Creek project approval, clause 49, states, "For all threatened species on site, the Proponent shall ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focused on protection, rehabilitation and long-term maintenance of viable stands of suitable habitat for these species." A note to clause 49 specifically names the koala among the threatened species concerned. Despite clause 49, the Maules Creek mine offsets have not been secured despite six years of clearing of the Leard State Forest. Simply put, the BCT ground truthing notes of the offset state, "Vegetation mapping provided to BCT has poor accuracy on some sites, with some areas mapped as box EEC, inconsistent with site observations." Critical of Whitehaven Coal for being unable to provide a final map for consideration by the BCT, one email states, "It would be much better to be reviewing the final product, not a draft in development, and there is no point in us reviewing a draft product."

We request that the honourable Committee members seek a representative from the Department of Planning, Industry and Environment [DPIE] Resource Approvals branch responsible for oversight of the Maules Creek Mine conditions and seek answers as to how this state of affairs occurred and how the department of planning approved the Maules Creek offsets on the basis of draft incorrect mapping. What next? After the insight provided by these documents into the complete failure of offsetting for the Laird Forest, why would anyone trust

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the department of planning to regulate biodiversity conditions of a Vickery or a Shenhua coalmine? It is obvious that the Maules Creek mine offsets have breached the trust of the people of New South Wales and are a deception of the greatest order, resulting in a serious loss of koala habitat, which undermines the regional biodiversity strategy and the aim to create a corridor from east of the Nandewar Ranges to the Namoi River and possibly Pilliga East. Thank you.

The CHAIR: There is a lot there to unpack. Ms Hosking?

Ms HOSKING: I ask that documents be tabled.

The CHAIR: Yes, please.

Ms HOSKING: There have been changes of circumstances since our original submission, so this is a supplementary.

The CHAIR: Thank you very much, we have copies here.

Ms CHRISTIE: May I also table some documents for the committee members?

The CHAIR: Yes, please.

Ms CHRISTIE: These documents are additional information and a schedule for the 500 page Government Information (Public Access) Act [GIPAA] request.

The CHAIR: Thank you. Ms Hosking, do you have an opening statement?

Ms HOSKING: Yes, thank you. While koalas are the icon species, they cannot survive in isolation. They depend on a whole suite of interconnected species, on flora, fauna, habitats, dark skies and healthy impact landscapes and water. The decline of our iconic koala species indicates a decline of all forest species. The environmental benefits for establishing protected areas for koalas is indisputable and the Armidale branch of the National Parks Association supports NPA New South Wales' proposals for the establishment of koala reserves throughout New South Wales. It is vital to protect existing western slopes and plains public lands. It is important not only to provide adequate resources and staffing for government agencies and organisations, such as National Parks and Wildlife Service [NPWS], Local Land Services, State Forestry and Landcare, and also to provide assistance for landholders to facilitate long-term protection of native forested areas on their land that provide koala habitat.

It is a mockery to destroy a koala habitat while trying to reproduce ecosystems elsewhere—for example, the offsets—and it is more economic to leave impact remaining forests for koala habitat than to acquire land to attempt to regenerate forests. Time is a major factor. We are running out of time to protect koalas in many areas of New South Wales. The koala databases need resources to be maintained and there is a real danger that we will lose koala populations entirely. There is a unique opportunity to create essential corridors and hubs across Western slopes and plains linking east-west and north-south by developing a plan that includes connectivity with public and private land in cooperation with landholders as over 60 per cent of koala habitat is on private land. This could be done through a range of strategies. Travelling stock routes and reserves as well as forested areas on private land, particularly for creating connectivity, are really important. There is a range of options available to do this.

Many of the vegetation communities of the western slopes and plains are poorly represented and inadequate under the federally legislated comprehensive, adequate and representative, or CAR, reserve system. I note the Government is not meeting its statutory obligations. One of the very important things to consider is water. Water is life. Careful husbanding of our water resources is vital for survival of all and it can coexist with conservation and with farming practices. Threats to the survival of koalas include land clearing for mining and agriculture as well as increased incidence of high temperatures, fire and drought. It is essential that there is a moratorium on coal seam gas and no expansion of coalmines, as well as on logging native forests. There is strong community support for a moratorium on coal seam gas in New South Wales—for example, the Moree Plains Council has just declared one over their concerns of water depletion and contamination. The Nationals, at its State conference in Inverell, this year passed a motion to extinguish petroleum exploration licences, known as PELs, again due to farmers' concerns over water.

The CHAIR: Ms Hosking, could you wrap up your comments because we need to get the questions?

Ms HOSKING: It is vital to protect all remaining koala habitat in New South Wales. I draw your attention to the Pilliga and Leard State forests. The Pilliga is the largest continuous remnant semi-arid woodland and the Leard Forest forms part of a corridor of vegetation that can link Mount Kaputar National Park to the north with Pilliga Forest reserves in the south. There are many threats to the Pilliga including pollution from coal seam gas mining, which also affects the dark skies. It is called light sky pollution and this has very important ramifications ecologically as well as scientific impacts. It also impacts on tourism because Warrumbungle

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National Park has been declared a dark sky park and for the observatory at Siding Springs, where tourism is affected as well. This is caused from gas flares and bright lights from the mines.

Fragmentation is a really big issue not only from the roads and traps and pads from the coal seam gas wells but also from the longwall coalmining in the north-east Pilliga that has impact. I think that is in the report. There is also fragmentation from unexpected areas such as the well-intentioned rewilding project with a large number of mature trees and other vegetation permanently cleared for the feral-proof fence. This also impedes migration of native animals in the Pilliga to water and food sources and mating sites. We recommend that the Pilliga State Forest and the State conservation areas be given national park or nature reserve status.

Nature-based tourism is very important for long-term economic gains. The New South Wales Government states that koalas support 9,000 jobs and generate up to \$2.5 billion annually. According to Destination NSW, nature-based tourism is a large and growing industry that contributes \$21 billion to New South Wales every year. In New England and north-west last year 4.6 million nights were stayed and visitors spent over \$636 million. The Northern Tablelands MP, Adam Marshall, said that "visitors come to our area for various reasons that include our outdoor adventures and the natural beauty of that part of the State".

The CHAIR: Thank you, Ms Hosking. I assume some of your opening statement is in your submission and we now must get to questions. Clearly there are a lot of issues in this part of the world that we want to know more about. I will kick off with a question for Ms Christie. Please expand for the Committee on how important these offsets are. Are they adequate for the koala population in and around Leard Forest? Thank you for your submission and the recent update that indicates the level of habitat that has been cleared. Why is it so important that we have offsets that do their job?

Ms CHRISTIE: The offsets are part of what is known as the regional biodiversity strategy and they are an essential part of connectivity linking the Nandewar Range across the Maules Creek area and north and south of the mine, over to the west, to the Namoi River and potentially to Pilliga east. That is a framework of connectivity that was referred to by Ms Hosking and is agreed upon that it is part of the territory of koalas in the region.

The CHAIR: I also understand that Maules Creek mine has some Commonwealth imposed offset under the Environment Protection and Biodiversity Conservation [EPBC] Act?

Ms CHRISTIE: Absolutely, yes.

The CHAIR: Do you want to expand on those and how they are progressing?

Ms CHRISTIE: And they are not even included. When the State of New South Wales approved the Maules Creek mine it was referred to the Commonwealth under the EPBC Act and the Commonwealth imposed additional conditions including the purchase of additional offsets. The Wando Conservation and Cultural Centre has repeatedly written to the Commonwealth calling on them to enforce their conditions. They keep referring us back to the State under so-called bilateral arrangement. Strictly speaking the Maules Creek offsets do not fall under the current bilateral arrangements because they predate them. However, they have fallen into this like a practical, a default method. As a result the Commonwealth conditions are just being neglected.

They are in the hands of the New South Wales Department of Planning to enforce and we can see very clearly now that the New South Wales Department of Planning's resource assessment branch is not doing that. I want to quickly point out, whenever you hear anyone say that the coalmines in this region are strictly regulated it is completely incorrect. The example we have now in the GIPAA documents of a complete lack of a enforcement of the offset conditions is repeated time and time again in different aspects of mine regulation. Back to your question. There are Commonwealth offsets. They are not even mentioned in this list, that would take another task to bring them into it and, in fact, one of the offsets, Whitehaven had to be dragged kicking and screaming to actually even purchase it.

The Hon. PENNY SHARPE: This is pretty basic stuff but I think it is important that it is clearly on the record given what you have said today. Those offsets were a requirement as part of the mine approval in the beginning, were not they?

Ms CHRISTIE: Yes.

The Hon. PENNY SHARPE: There was an extensive process to get to get an agreement for that approval was that these would be met?

Ms CHRISTIE: I will just clarify, not all the offsets were part of the approval at the beginning. What happened was there was an original offset strategy and it was severely caned. A company called Cumberland Ecology had prepared an offset strategy which then became the subject of severe criticism so another consultancy came forward and prepared a revised offset package which included a much larger amount of land but we maintain

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there is no point having a larger amount of land if it is not like for like and it is not suitable habitat for the animals. I just wanted to clarify that actually there are more offsets now than in the original EA.

The Hon. PENNY SHARPE: It is the case that your understanding would be that clearing should not have gone ahead until the offset plan was actually finalised?

Ms CHRISTIE: We think the clearing is dependent on the availability of offsets at that point in time, not a time into the future. Now, when we see six years of clearing of the forest—

The Hon. PENNY SHARPE: With no finalised agreement on offsets?

Ms CHRISTIE: —and there is no end in sight because it is clear from the documents that these offsets will never fulfil the requirement they were meant to fulfil including some of them that are meant under the Commonwealth conditions to be rehabilitated from the grassland version of White Box woodland into the woodland version. It is not happening.

The Hon. PENNY SHARPE: I want to ask you specifically about Lawlers Well, which is very important. Could you tell the Committee about that. It is an important water source for all animals, not just koalas?

Ms CHRISTIE: Absolutely.

The Hon. PENNY SHARPE: It has been completely filled in. What attention has that well ever been given through the planning process?

Ms CHRISTIE: This is one of the real tragedies. It is a real inhumanity to go and remove the only permanent water source in the Leard Forest that all the animals depended upon, including, of course, koalas. Lawlers Well had cultural significance. Let us talk about its significance of being the water source. The nearest permanent water source would be Elfin Crossing and that also has now been destroyed due to the community's belief and it is currently under investigation by the natural resource access regulator, due to damage to the Maules Creek aquifer—not only Lawlers Well but the other water source.

The Hon. PENNY SHARPE: How far away is that from Lawlers Well?

Ms CHRISTIE: I would say it is maybe, I stand to be corrected, maybe eight kilometres.

The Hon. PENNY SHARPE: It is a fair way away?

Ms CHRISTIE: It is a fair way away but it is still part of their area which they are known to move across.

The Hon. CATHERINE CUSACK: It has gone now. That second water source is destroyed now?

Ms CHRISTIE: Yes, there is just stagnant water and dead fish there now unfortunately. I just will point out that community members have met with Boggabri Coal just in the last week and they are planning to put up to six water drinking stations for koalas within the corridor to try and compensate. At lack of water is a terribly cruel fate for the animals in that forest.

The Hon. MARK BUTTIGIEG: Just to follow-up on questions regarding the offset process. Just so we get the process right. Presumably there were offset parameters in the original approval requirements and then you said there were a couple of consultancy companies that came in and did plans?

Ms CHRISTIE: Yes. There are other speakers who you will be hearing from later who are experts in ecology and experts in the calculation of offsets. However, just to say, we have other freedom of information documents that show that when the Maules Creek mine was referred to the Commonwealth a new calculation tool had just been introduced. These documents, that I am happy to share with the Committee if you are going to go into that detail, demonstrate that the Commonwealth department of environment was struggling with the new tool and were desperately seeking help as to how to interpret the new tool at the very time that they were being pressured, forced to make a decision to approve the Maules Creek mine and to deliver that Commonwealth approval. It was a chaotic state of affairs.

The Hon. MARK BUTTIGIEG: From what I picked up from your previous explanation of the Commonwealth ones are they technically are not legally enforceable, is that what you are saying?

Ms CHRISTIE: Well, we do not think that. It is a practice that the Commonwealth defers to the State and they did that also with the regional biodiversity strategy. We kept writing to them and saying, "Look, are you giving attention to these Commonwealth ones, because we do not see that it is happening". They would write a letter to the State Department of Planning and come back with the response that, "It is all good". Then there were notes on documents saying that they were stepping out, they were just going to be observers to the process because the Commonwealth did not see themselves as being necessary to the process of the regional biodiversity strategy.

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Given that the Commonwealth conditions were an extra layer of condition, more strict, insisting on a 500 metre corridor between the two mines. Between the Maules Creek mine and the Boggabri mine there is a 500 metre corridor, which is an absolute requirement upon which the Commonwealth approval was based. Then there are other conditions as well which are an extra layer over and above the State conditions.

The Hon. MARK BUTTIGIEG: If those State conditions were not met, how did the clearing go ahead?

Ms CHRISTIE: That is a question for the department of planning. That is the question we ask year after year and extension after extension. Why are they getting extensions? The documents that we have received are the culmination of literally years of community groups writing to the department through the community consultative committee and through GIPAA requests. By the way, the applications for disclosure have been very strongly opposed by Whitehaven Coal and some have even had to go to the Information and Privacy Commission for determination.

The Hon. CATHERINE CUSACK: But corporations do not have—

Ms CHRISTIE: The documents we request through the Government Information (Public Access) Act are government documents that may mention something that is commercial in confidence. Names may be redacted and so on. Typically, they will try to put things as commercial in confidence that are not commercial in confidence. For example, it might be monitoring information. That is not commercial.

The CHAIR: Ms Hosking, in the updated submission you provided there is quite a bit of information about what the heatwaves and climate change are doing to tree species in the area and what that means for koalas. We are tasked with investigating the adequacy of various planning instruments, including State Environmental Planning Policy No 44—Koala Habitat Protection, or SEPP 44. In your submission you mentioned that the trees species list in SEPP 44 is woefully inadequate. Would you like to expand on what the National Parks Association would like to see in relation to SEPP 44 and the tree species list?

Ms HOSKING: Because of the drought and the bushfires in Armidale the eucalyptus viminalis ribbon gums on the ridgelines are dying. A member of our branch, Kate Boyd, produced that document. She is suggesting that all trees that retain moisture along the creek lands should have protection. At the moment people are putting out water for the koalas. Can I take that question on notice and consult with the NPA and Ms Boyd, who produced that document?

The CHAIR: Yes, of course.

Ms HOSKING: Will I get a written request?

The CHAIR: Yes, we will get that to you.

The Hon. CATHERINE CUSACK: How much money has been spent on GIPAA requests to try to obtain this information?

Ms CHRISTIE: I cannot answer for other groups, but the Wando Conservation and Cultural Centre would spend about \$500 or \$600 for a large GIPAA request. For a small GIPAA request that is looking for very confined set of information it would cost just a very small amount. When it goes beyond that we cannot do it. We do not have the funds to enter into fishing expeditions for documents. We usually have a clear idea of what we are looking for and we try to be very strict about the words that we search for.

The Hon. CATHERINE CUSACK: But is it fair to say that it is expensive and is a barrier?

Ms CHRISTIE: It is. It is one of our main expenses. We are a completely volunteer-run group and the kind of expenses that we typically have are research related, for examples costs related to seeking government information, either from the State or the Commonwealth, or costs related to the essential monitoring we do of the forest and the region, which includes aerial surveillance.

The Hon. CATHERINE CUSACK: You have outlined the current really complicated method of regulating compliance—if I can put it like that—with development conditions, which is clearly not working. Do you have any suggestions about compliance activity by government and also transparency around compliance activities?

Ms CHRISTIE: I think that coal mines are a special case in point because coal mines have been essential to our economy for generations. But coal mining is now in retreat. Now we what we need to be focusing on is a just transition and an honourable retreat from coal mining. There should be no new coal mines. In this region there is simply no capacity, even from the water point of view.

The Hon. CATHERINE CUSACK: But in terms of those conditions—for example, the Commonwealth conditions—I presume that a lot of work and time was put into those condition, but then there is

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no compliance activity. It is in some kind of limbo. How do you think compliance should be undertaken for conditions? For example, you seem to be suggesting that clearing should cease until compliance has been demonstrated.

Ms CHRISTIE: Definitely. Whitehaven has already indicated to the ASX that its estimation of the next year's production forecast is that it is going to be millions of tonnes less, from about 12.5 down to 10 or something. They do not need to expand further out; they can dig further down for the moment. But they do not want to do that because it is cheaper for them to fan out and dig up more forest. We do not know their intentions or how much they plan to clear this year because they do not tell us—they refuse to tell us. Every year we ask, "How much are you planning to clear? Afterwards we ask, "How much have you cleared?" But they will not disclose.

The Hon. CATHERINE CUSACK: How many different agencies do you work with in terms of compliance? Is the Department of Planning, Industry, and Environment meant to be managing this whole thing or does the Office of Environment and Heritage also have a role? There is also the Biodiversity Conservation Trust. Does they also have a role?

Ms CHRISTIE: Yes, they do have a role. We do not deal with them directly, although we have spoken to them about conducting a workshop in the area for the public to come and learn more about the system of conservation agreements. There is a real hunger for people to understand what these documents are. They are a financial document and they are a management plan. They are a new beast of document. That is the limit of the relationship with have with the BCT. The Environment Protection Authority does not regulate things to do with clearing. It is mainly the Department of Planning, Industry, and Environment through resource assessments. It always goes back to them. Right now there is a story going on just up the road around what is widely believed to be an unlawful pipeline being constructed. It is being waved through by the very same people who have allowed this situation to continue.

The Hon. MARK PEARSON: Ms Moran, in your submission you talked about a lot of your volunteers. How many are there?

Ms MORAN: There are not many.

The Hon. MARK PEARSON: Are you the only people who are providing water for koalas in this crisis situation?

Ms MORAN: We are not providing water for koalas; we are picking them up off the road and taking them to vets or taking them home. We do not provide water unless we see them out in the bush and we can put a bowl down for them.

The Hon. MARK PEARSON: They are called "Blinky Drinkers", aren't they?

Ms MORAN: Yes, but that is not me; another group is doing that. I commend their efforts. It is fabulous to have those Blinky Drinkers out.

The Hon. MARK PEARSON: But there is no way that could be looked at as an answer to the hydration or water supply issue for koalas when we are dealing with the issue of climate change, is there?

Ms MORAN: One of the reasons that koalas come into care is that they get very, very thirsty and dehydrated. They get very stressed and end up getting sick. Stress leads to disease. They get sick and then they get even thirstier. Then they get eaten or bitten by dogs. The trees, if they have got trees and they have got water in the leaves of the trees that is good, so they get a bit of moisture that way. With the drought there is less moisture in the leaves of the trees, so those animals are suffering doubly. They are moving into the watercourse areas. People say they do not see the koalas anymore. Most of them are down in watercourse areas, like you and I and people will go down to the river and sit on the riverbank if we can find a cool spot, and that is where they are moving to at the moment.

If you leave some water in the river system so they can move down to that, that is very, very, very important—it will probably save the whole species west of the range. Very, very little work is being done or spoken about of the koalas west of the range, but they are there. You do not see them all the time because hardly anyone comes over the range; they do not see them. I see them every single day, koalas constantly coming into care.

The Hon. MARK PEARSON: When that water source was removed, I forget the name of it now, by a mining company, it was filled in, apparently there was an offset eight kilometres away. Is that an offset that is actually going to truly offset what has been the harm that has been caused? If water is made available eight kilometres from where they usually source water, is that really an offset?

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Ms MORAN: I know what you are saying. You see how you feel today or tomorrow when it is going to be heading towards 40 degrees and you have got to walk eight kilometres in the heat to get to a drink of water, and you are probably going into another koala's territory. You might have to cross a road, you might have to deal with some dogs that someone has; it is a long walk for a koala.

The Hon. MARK PEARSON: When an offset is announced, is your understanding that the offset does not really do anything for the habitat, the biodiversity, the environment there in situ for those animals and the flora if an offset is created somewhere else?

Ms MORAN: It is like putting you in a car and saying, "I am going to send you out to Bourke tomorrow and you are going to live out at Bourke." You are not going to live in Sydney, you are not going to live on the Central Coast, wherever you live; you are going to have to live at Bourke from now on and you have to deal with it. You have to deal with the lack of food, the water and the heat.

The Hon. MARK PEARSON: But they are not taken to the other place, that is my comment.

Ms MORAN: But they have to take themselves there. It is even worse that way. Sometimes I have to take something to somewhere if there is another tree that I can find if the other trees have been knocked down. If their habitat has gone I have got to find somewhere to release them to if they survive.

The Hon. PENNY SHARPE: My question is a direct follow-up on that. How hard is it for you to find places to release the koalas and other animals that you are able to save?

Ms MORAN: It is extremely difficult. I have people who kept remnant bushland on their places, which is great; others have gone out and planted trees. They planted trees a couple of decades ago and they have kept them there and they have kept the water up to them and so they can be released into those places, which is fabulous.

The Hon. PENNY SHARPE: Are you finding in the offset areas that they are not suitable for release?

Ms MORAN: Where are the offset areas? Nobody has sent me a list of them and nobody has given me access to them. I do not know where they are.

The Hon. MARK BUTTIGIEG: Let us assume for argument's sake, and, Ms Christie, this seemed to be the implication, notwithstanding my colleague's concern, in an ideal world the offsets were done properly and they were substantial, the koalas can survive, is what we are saying, but we are not even getting to that stage because the offsets are not even enforced. Just for the sake of brevity, has not the Office of Environment played a role? What is the interface, the communication with planning, because it seems to me one of the things coming through this Committee is that the Department of Planning has the ultimate say and pushes the Office of Environment aside?

Ms CHRISTIE: Are you talking about the Commonwealth Department of Environment or—

The Hon. MARK BUTTIGIEG: No, the State.

Ms CHRISTIE: I think the name of the portfolio, DPIE, says it all. Yes, the Office of Environment and Heritage is the first agency that has a look at the offsets, but I feel that the people in OEH that I have had dealings with, they have intimated that their hands were tied. I will give you an example, a very quick one. One of the Whitehaven offsets is located—guess what is located in that offset? It is a new exploration licence that they are developing. I spoke to the OEH officer and I said, "Look, this offset is exactly contiguous. There will be a mining footprint right next to it. Surely that is going to diminish the ecological values." And the OEH officer said, "No, we don't like it but there is nothing we can do about it." Under their guidelines you can have the mine operating right next to it and no, they do not consider it.

Ms MORAN: Can I just say one thing? Koalas going to those offsets, they are territorial. So moving into offsets comes with great problems.

The CHAIR: Thank you very much for appearing. I am very sorry that we have not had more time. Please be assured that the submissions that you have provided will be used by the Committee and your evidence obviously as well. Any questions you have taken on notice will need to be returned within 21 days. The secretariat will contact you in relation to those questions. Some Committee members may also have supplementary questions based on your evidence and the fact that we have limited time today. Thank you very much for the work you are doing and for appearing.

(The witnesses withdrew.)